

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 14, 2003

AMENDED IN SENATE JUNE 30, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 663**

**Introduced by Assembly Member Lieber**

February 19, 2003

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An act to add Section 2281 to the Business and Professions Code, relating to the healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 663, as amended, Lieber. Pelvic examinations.

Existing law, the Medical Practice Act, establishes training and education requirements for issuance of a physician's and surgeon's certificate. The act also prohibits certain practices and makes the violation of those provisions by any person a misdemeanor.

This bill would prohibit a physician and surgeon and a medical student from performing a pelvic examination on an anesthetized *or unconscious* patient unless the patient ~~expressly consented to the examination~~ *has given informed consent to the pelvic examination, the pelvic examination is within the specified scope of care, or, if the patient is unconscious, the pelvic examination is required for diagnostic purposes*. Because the bill would specify a prohibited practice, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds that, according to an  
2 article in the Wall Street Journal on March 12, 2003, medical  
3 students often are allowed by their training physicians to practice  
4 pelvic examinations in operating rooms on a patient who is  
5 unconscious and has not given explicit consent to the examination.  
6 Pursuant to the practice, the training physician performs the  
7 examination first, and the medical student repeats the  
8 examination.

9 SEC. 2. Section 2281 is added to the Business and Professions  
10 Code, to read:

11 2281. A physician and surgeon or a student undertaking a  
12 course of professional instruction or a clinical training program,  
13 may not perform a pelvic examination on an anesthetized *or*  
14 *unconscious* female ~~patient unless the patient expressly consented~~  
15 ~~to the examination.~~ *patient unless the patient gave informed*  
16 *consent to the pelvic examination, or the performance of a pelvic*  
17 *examination is within the scope of care for the surgical procedure*  
18 *or diagnostic examination to be performed on the patient or, in the*  
19 *case of an unconscious patient, the pelvic examination is required*  
20 *for diagnostic purposes.*

21 SEC. 3. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.

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